

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

MARY A. DIGGS,)
Plaintiff,)
v.) Civil Action No.: 6:17CV00026
WAL-MART STORES EAST, LP,)
and)
WAL-MART STORES, INC.,)
d/b/a Wal-Mart Supercenter #2565,)
197 Madison Heights Square)
Madison Heights, Virginia 24572)
A/K/A Wal-Mart, A/K/A Wal-Mart Store,)
A/K/A Wal-Mart Supercenter,)
Defendants.)

JOINT NOTICE OF REMOVAL

COME NOW the defendants, Wal-Mart Stores East, LP and Wal-Mart Stores, Inc. d/b/a Wal-Mart Supercenter #2565, 197 Madison Heights Square, Madison Heights, Virginia 24572 A/K/A Wal-Mart, A/K/A Wal-Mart Store, A/K/A Wal-Mart Supercenter (collectively referred to herein as "Wal-Mart"), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, and file this Joint Notice of Removal to remove this action to this Court from the Circuit Court for the County of Amherst, Virginia. In support of this Joint Notice, Wal-Mart states as follows:

1. Upon information and belief, plaintiff is, and was at all times relevant hereto, a resident, citizen, and domiciliary of the Commonwealth of Virginia.
2. At the time this action commenced, and at the time of removal, Wal-Mart Stores, Inc., was a Delaware corporation with its principal place of business in Bentonville, Arkansas.
3. At the time this action commenced, and at the time of removal, Wal-Mart Stores East, LP, was a Delaware limited partnership with its principal place of business in Bentonville,

Arkansas. The partners of Wal-Mart Stores East, LP, are WSE Management, LLC, which is a Delaware limited liability company, with its principal place of business in Bentonville, Arkansas, and WSE Investment, LLC, which is a Delaware limited liability company, with its principal place of business in Bentonville, Arkansas. The sole member of both WSE Management, LLC and WSE Investment, LLC, is Wal-Mart Stores East, Inc., which is an Arkansas corporation with its principal place of business in Bentonville, Arkansas.

4. The plaintiff has filed a Complaint against the defendants in the Circuit Court for the County of Amherst, Virginia. A copy of the plaintiff's Complaint and Wal-Mart's Answer are attached hereto as **Exhibit A**, pursuant to 28 U.S.C. § 1446.

5. This Joint Notice is filed within thirty (30) days after service upon the defendants and is filed not more than one (1) year after the commencement of this action, pursuant to 28 U.S.C. § 1446(b).

6. This civil action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the amount in controversy alleged in the Complaint exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs, and the action is between citizens of different states.

7. Wal-Mart has given notice of the filing of the Joint Notice of Removal to counsel for the plaintiff and has filed a copy with the Clerk of the Circuit Court for the County of Amherst, Virginia.

8. This Court embraces the place where the state court action is pending.

9. The Wal-Mart defendants are represented by the same counsel and all join in the removal of this case to the Court.

WHEREFORE, the defendants, by counsel, hereby give notice to this Court that this action is removed to this Court from the Circuit Court for the County of Amherst, Virginia.

WAL-MART STORES EAST, LP, and
WAL-MART STORES, INC. d/b/a Wal-Mart
Supercenter #2565, 197 Madison Heights Square,
Madison Heights, Virginia 24572 A/K/A Wal-Mart,
A/K/A Wal-Mart Store, A/K/A Wal-Mart
Supercenter

By: /s/ Victor S. Skaff, III
Of Counsel

C. Kailani Memmer (VSB No. 34673)
Victor S. ("Dinny") Skaff, III (VSB No. 40054)
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of March, 2017, a copy of the foregoing Joint Notice of Removal was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Gary L. Straw, Esq. (VSB No. 79118)
SHOEMAKER & STRAW, PLLC
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Counsel for Plaintiff

/s/ Victor S. Skaff, III
Of Counsel